



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

SOLI et al

Serial No.: 09/872,079

Filed: June 1, 2001

Confirmation No.: 3838

Atty. File No.: 45568-00412

For: "Method and Apparatus for Measuring  
the Performance of an Implantable  
Middle Ear Hearing Aid, and the  
Response of a Patient Wearing Such  
a Hearing Aid"

) Group Art Unit: 2644

) Examiner: Not Yet Assigned

) SUBMISSION OF MISSING PARTS

<p style="text-align: center;">CERTIFICATE OF MAILING</p> <p>I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231 ON <u>December 3, 2001</u>.</p> <p style="text-align: center;">MARSH FISCHMANN &amp; BREYFOGLE, LLP</p> <p>BY: <u>Bobby D. Simon</u> Bobby D. Simon</p>
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BOX: MISSING PARTS

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

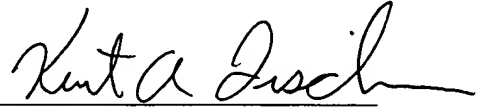
In response to the Notice to File Missing Parts dated August 3, 2001, in connection with the above-identified application, enclosed herewith please find the Declaration which includes the signature of Dr. Sigfrid Soli. Please note that the Declaration executed by all other parties was submitted with the Application and the Assignment documents have been submitted to the Assignment Branch and recorded by same.

Also enclosed please find a check for \$65.00 which includes payment of the declaration surcharge. A copy of the Notice to File Missing Parts is also enclosed.

Enclosed herewith you will also find a petition for a two-month extension of time, thereby extending the time period for response from October 3, 2001 to December 3, 2001, as well as a check in the amount of \$195.00 as the fee for such extension. Please credit any overpayment or charge any underpayment to Deposit Account No. 50-1419.

Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

By: 

Kent A. Fischmann, Esq.

Registration No. 35,511

3151 South Vaughn Way, Suite 411

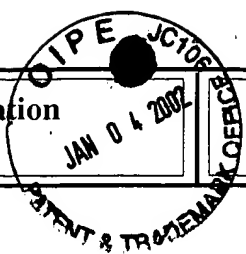
Aurora, Colorado 80014

(720) 562-5501

Date: December 3, 2001

**Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533)(Small Entity)**

Docket No.  
45568-00412



In Re Application Of: SOLI et al

Serial No.  
09/872,079

Filing Date  
June 1, 2001

Examiner  
Not Yet Assigned

Group Art Unit  
2644

Invention: "METHOD AND APPARATUS FOR MEASURING THE PERFORMANCE OF AN IMPLANTABLE MIDDLE EAR HEARING AID, AND RESPONSE OF A PATIENT WEARING SUCH A HEARING AID"

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Box Missing Parts

This is a response to the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533) mailed on August 3, 2001  
Date

Enclosed herewith for filing are the following:

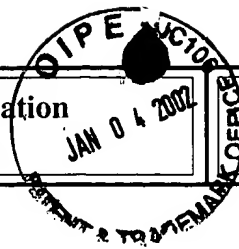
- ☒ A copy of the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533). **(REQUIRED)**
- ☐ An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date.
- ☒ A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date.
- ☐ An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date.
- ☐ A verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the United States Patent and Trademark Office.
- ☐ \_\_\_\_\_ verified small entity declaration(s)
  - ☐ is/are attached.
  - ☐ was/were filed on \_\_\_\_\_
- ☐ A separate request for refund.

☒ Other (list):

Submission of Missing Parts  
Petition for Two Months Extension of Time  
Check No. 1937  
Acknowledgment Postcard

**Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533)(Small Entity)**

Docket No.  
45568-00412



In Re Application Of: SOLI et al

Serial No.  
09/872,079

Filing Date  
June 1, 2001

Examiner  
Not Yet Assigned

Group Art Unit  
2644

Invention: "METHOD AND APPARATUS FOR MEASURING THE PERFORMANCE OF AN IMPLANTABLE MIDDLE EAR HEARING AID, AND RESPONSE OF A PATIENT WEARING SUCH A HEARING AID"

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Attention: Manager, Application Branch

☒ Completion of application fees as calculated below:

- ☐ Utility application filing fee \_\_\_\_\_
- ☐ Design application filing fee \_\_\_\_\_
- ☐ Total number of independent claims = \_\_\_\_\_
- ☐ Total number of claims = \_\_\_\_\_
- ☐ Multiple dependent claims \_\_\_\_\_
- ☒ Surcharge for late payment of filing fee and/or late filing of original declaration or oath **\$65.00**
- ☐ Petition and fee for filing by other than all the inventors or a person not the inventor \_\_\_\_\_
- ☐ Fee for processing an application filed with a non-English language specification \_\_\_\_\_
- ☐ Fee for processing and retention of application \_\_\_\_\_

Total completion of application fees **\$65.00**

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the above-identified Notice to File Missing Parts of Application. The requested extension is as follows (check time period desired). If an additional time extension is required, please consider this a petition therefor.

☐ One month ☒ Two months ☐ Three months ☐ Four months ☐ Five months

from: October 3, 2001 until: December 3, 2001  
Date Date

Total time extension fees **\$200.00**

Total fees due **\$265.00**

**Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533) (Small Entity)**

Docket No.  
45568-00412

In Re Application Of: SOLI et al

Serial No.  
09/872,079

Filing Date  
June 1, 2001

Examiner  
Not Yet Assigned

Group Art Unit  
2644

Invention: "METHOD AND APPARATUS FOR MEASURING THE PERFORMANCE OF AN IMPLANTABLE  
MIDDLE EAR HEARING AID, AND RESPONSE OF A PATIENT WEARING SUCH A HEARING  
AID"

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Attention: Manager, Application Branch

The fee of \$265.00 is to be paid as follows:

- ☒ A check in the amount of the fee is enclosed.  
☐ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No.  
A duplicate copy of this sheet is enclosed.  
☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No.  
A duplicate copy of this sheet is enclosed.



*Signature*

Kent A. Fischmann, Esq.  
Registration No. 35,511  
3151 South Vaughn Way, Suite 411  
Aurora, Colorado 80014  
(720)562-5501

Dated: December 3, 2001

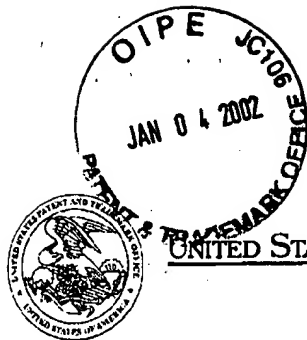
I certify that this document and fee is being deposited  
on December 3, 2001 with the U.S. Postal Service as  
first class mail under 37 C.F.R. 1.8 and is addressed to the  
Assistant Commissioner for Patents, Washington, D.C.  
20231.

*Bobbie D. Simon*  
*Signature of Person Mailing Correspondence*

**Bobbie D. Simon**

*Typed or Printed Name of Person Mailing Correspondence*

CC:



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/872,079	06/01/2001	Sigfrid Soli	45568-00412

CONFIRMATION NO. 3838

## FORMALITIES LETTER



\*OC000000006380960\*

MARSH FISCHMANN & BREYFOGLE LLP  
Suite 411  
3151 South Vaughn Way  
Aurora, CO 80014

Date Mailed: 08/03/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The signature of the following inventor(s) is missing from the oath or declaration:  
*Sigfrid Soli*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

*A copy of this notice **MUST** be returned with the reply.*

*A.T.*  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

01/08/2002 AGOITOM 00000020 09872079

01 FC:205

65.00 OP